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THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.15

AMARAVATI, FRIDAY, APRIL 12, 2019

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COMMANDANT, HQRS,
A. P. SPECIAL PROTECTION FORCE, TIRUPATI.**

SHOW CAUSE NOTICE

APSPF - TPT - O.E. AGAINST Sri J. HARON RAO, CT-4740 OF APSPF, SRISAILAM (PREVIOUSLY WORKED AT TSSPF UNIT, TS SECRETARIAT, HYDERABAD) - FORWARDING OF MINUTES COPY - FINAL EXPLANATION CALLED FOR.

- Ref : 1) Proceedings Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2018, O.O.No.1305/2018, Dated: 29.10.2018 of this office.
- 2) Charge Memo: Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2018, Dated: 24.09.2018 of this office.
- 3) C.No.05/AC/APSPF/SDSTPS/NLR/OE/CT-4740/D.No.58/19, Dated: 19.02.2019 of the Inspector, APSPF, SDSTPS, Nellore.

-:O:-

Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2018-19,- In the reference 1st cited, an Oral Enquiry was ordered against you in connection with the Articles of Charge framed vide reference 2nd cited. Now the Enquiry Officer Sri P. Srinivasulu Reddy, Inspector, APSPF, SDSTPS, Nellore has submitted Oral Enquiry report duly "**Proved**" the Articles of Charge vide reference 3rd cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

Sd/-.,
COMMANDANT, Hqus.,
A.P. Special Protection Force,
Tirupati.

Dated: 25-02-2019.

To

Sri J. Haron Rao, CT-4740 of APSPF, Srisailam.

(Previously worked at TSSPF Unit, TS Secretariat, Hyderabad), thro the Assistant Commandant, APSPF, Srisailam.

ENQUIRY REPORT OF INQUIRY AUTHORITY FOLDER No. 09

IN THE DEPARTMENTAL PROCEEDINGS AGAINST Sri J. HARON RAO,
CT-4740 OF APSPF. SRISAILAM (PREVIOUSLY WORKED AT TSSPF,
TS SECRETARIAT, HYDERABAD)

Submitted by: **Sri P. Srinivasulu Reddy**
Inspector, (Enquiry Officer)
APSPF, SDSTPS, AP Genco, Nellore,
C.No: 31/AC/APSPF/SDSTPS/NLR/OE /
CT-4740/D.No:58/2019, 1Dt: 19.02.2019.

- 1) Under Rule 20 of A.P. Civil Service (Classification, Control and Appeals) Rules 1991, I. was appointed as Inquiring Authority by the Commandant, HQrs, APSPF, Tirupati to enquire into the charges framed against Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) vide proceedings Rc.No: 07/A3/ Comdt.Hqrs/APSPF/TPT/2018, O.o.No: 1305/2018, dated: 29.10.2018. I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under.
- 2) No presenting officer has been appointed.
- 3) The charged officer Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) has attended to the OE on 13.02.2019.
- 4) The following article of charge has been framed against Sri J.Haron Rao, CT- 4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) vide Rc.No: 07/A3/Comdt.Hqrs/APSPF/TPT/2018, dated: 24.09.2018 of the Commandant, HQrs, APSPF, Tirupati.

ANNEXURE-I

Statement of Article of Charge framed against Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad).

ARTICLE-I

That the said Sri J.Haron Rao, CT-4740, while working at TSSPF, TS Secretariat, Hyderabad was passported to avail (02) days Casual Leave w.e.f. 24.01.2018 FN to 25.01.2018 AN. After expiry of the said leave, he did not turn up for duties and became unauthorized absent w.e.f. 26.01.2018 FN without obtaining any leave or intimation to his superiors. Meanwhile, he was deemed to be relieved on 06.02.2018 from TSSPF to APSPF on permanent basis. Subsequently, after a period of (101) days, he reported at APSPF HQrs, Guntur on 07.05.2018 and requested to take him to duty. Accordingly, he was taken to duty on 07.05.2018 by the DIG, APSPF, Guntur.

ARTICLE-II

That the said Sri J.Haron Rao, CT-4740 who was supposed to attend for night duties on 11.05.2018 from 20.00 Hrs to 09.00 Hrs of 12.05.2018 at APSPF, HQrs, Guntur, did not attend for duties and became unauthorized absent for a period of (65) days w.e.f. 11.05.2018 AN to 16.07.2018 FN without obtaining any leave or prior permission from his superiors. Subsequently, he reported at APSPF HQrs, Guntur on 16.07.2018 and requested the DIG, APSPF, Guntur to taken him to duty. Accordingly, he was taken him to duty on 16.07.2018 FN, pending disciplinary proceedings.

By the above act, he has exhibited gross misconduct and negligence towards his legitimate duties, which is un-becoming of a Government servant thereby violating Rule-3 of APCS (Conduct) Rules-1964.

ANNEXURE-II**List of Documents:**

1. OSL Report: C.No: 05/AC/TSSPF/TS Sectt/OSL/D.No:74/2018, dated: 29.01.18 of the AC, TSSPF, TS Secretariat, Hyderabad.
2. Rc.No: A1/TSSPF/75/2014-18, O.o No: A-59/2018, dated: 06.02.2018 of the Director General, TSSPF, Secunderabad.
3. Individual representation, dated: 07.05.2018.
4. Taken on duty order: Rc.No: APSPF/A3/PR/Genl/2018, O.o No: A-42/2018, dated: 09.05.2018 of the DIG, APSPF, Guntur.
5. AWL report: Rc.No: O1/APSPF/D.0/AWL/2018, dated: 12.05.2018 of the Duty Officer, APSPF HQrs, Guntur.
6. Individual representation, dated: 16.07.2018.
7. Taken on duty order: Rc.No: APSPF/A3/PR/Genl/2018, O.o No: A-56/2018, dated: 18.07.2018 of the DIG, APSPF, Guntur.

ANNUXERE-III**List of witnesses:**

1. The Assistant Commandant, TSSPF Unit, TS Secretariat, Hyderabad.
2. The Duty Officer, APSPF HQrs, Guntur.

CASE OF DISCIPLINARY AUTHORITY:

The charged Officer Sri J.Haron Rao, CT-4740 while working at TSSPF, TS Secretariat, Hyderabad was passported to avail (02) days Casual Leave w.e.f. 24.01.2018 FN to 25.01.2018 AN. After expiry of the said leave, he did not turn up for duties and became unauthorized absent w.e.f. 26.01.2018 FN without obtaining any leave or intimation to his superiors. The same was intimated to the kind Commandant-I, HQrs, TSSPF, Secunderabad by the AC, TSSPF, TS Secretariat, Hyderabad, vide C.No: 05/AC/TSSPF/TS Sectt/OSL/D.No: 74/2018, dated: 28.01.2018 **(Marked as Exhibit- PE-1)**. Meanwhile, he was deemed to be relieved on 06.02.2018 from TSSPF to APSPF on permanent basis, vide Rc.No: A1/TSSPF / 75 / 2014-18, O.o No: A-59/2018, dated: 06.02.2018 of the Director General, TSSPF, Secunderabad **(Marked as Exhibit- PE-2)**. Subsequently, after a period of (101) days, he reported at APSPF HQrs, Guntur on 07.05.2018 and requested to take him to duty. Accordingly, he was taken to duty on 07.05.2018 by the DIG, APSPF, Guntur vide Rc.No: APSPF/A3/PR/Genl/2018, O.O No: A-42/2018, dated: 09.05.2018 of the DIG, APSPF, Guntur **(Marked as Exhibit- PE-3)**. Further, Sri J.Haron Rao, CT-4740 who was supposed to attend for night duties on 11.05.2018 from 20.00 Hrs to 09.00 Hrs of 12.05.2018 at APSPF, HQrs, Guntur, did not attend for duties and became unauthorized absent from 11.05.2018 AN without obtaining any leave or prior permission from his superiors. The same was intimated to the kind DIG, APSPF, Guntur by the Duty Officer, APSPF, HQrs, Guntur, vide Rc.No: 01 / APSPF/D.O/AWL/2018, dated: 12.05.2018 **(Marked as Exhibit- PE-4)**. Subsequently, he reported at APSPF HQrs, Guntur on 16.07.2018 and requested the DIG, APSPF, Guntur to taken him to duty. Accordingly, he was taken him to duty on 16.07.2018 FN by the DIG, APSPF, Guntur vide Rc.No: APSPF/A3/PR/Genl/2018, O.o No: A-56/2018, dated: 18.07.2018 of the DIG, APSPF, Guntur **(Marked as Exhibit- PE-4)**. Further, a Memorandum of Charge framed against Sri J.Haron Rao, CT-4740, APSPF, Srisailam vide Rc.No: 07/A3/Comdt.Hqrs/APSPF/TPT/2018, dt: 24.09.2018 **(Marked as Exhibit- PE-5)**. A copy of Memorandum of Charge has been served on him and obtained dated acknowledgment from him on 27.09.2018 through the Inspector, APSPF, Srisailam and the acknowledgement copy Of Memorandum of Charge was sent to the Commandant, APSPF, HQrs, Tirupati, vide C.No: 50/INSP/APSPF/SSLM/Ack/D.No: 434/2018, dated: 28.09.2018 **(Marked as Exhibit- PE-6)**.

Subsequently, the disciplinary authority i.e. Commandant, HQrs, APSPF, Tirupati has ordered Oral Enquiry appointing me as an Inquiring Authority to enquire in to the charges framed against Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) vide proceedings Rc.No: 07/A3/Comdt. Hqrs / APSPF / TPT / 2018, O.o.No: 1305/2018, dated: 29.10.2018. Accordingly, I have conducted OE on 13.02.2019 duly following the Rule 20 of APCS (CC&A) Rules-1991. During the course of oral enquiry, I recorded the statements of following PWs.

PROSECUTION WITNESS-1:

Statement of Sri N. Thrinath, S/o. N. Ranga Rao age 46 years. Asst. Commandant, TSPF Unit Secretariat Hyderabad recorded by the Inquiring Authority in the O/o the Asst. Commandant, TSPF Unit Secretariat, Hyderabad on 13.02.2019.

I, N. Thrinath am Asst. Commandant, TSPF well acquainted with the charges framed against the Charged Officer Sri J. Haron Rao, CT-4740, APSPF Srisailam (Previously worked at TS SPF Unit Secretariat, Hyd.) and I solemnly depose my evidence as under:

As requested by the Charged Officer Sri J. Haron Rao, CT-4740 APSPF Srisailam (Previously worked at TS SPF Unit Secretariat, Hyd.) he was permitted to avail (02) days CL w.e.f. 24.01.2018 FN to 25.01.2018 AN. On expiry of said leave he failed to report back for duty in due time and become OSL from CL. Accordingly, the OSL report was submitted to the Commandant-I, TSPF Secunderabad vide this office Lr. No. 05/AC/TS SPF/TS Sectt/OSL/D.No. 74/2018, dated: 29.01.2018.

Cross examination by the charged officer:

The charged officer has declined to cross examine the PW.

PROSECUTION WITNESS-2:

Statement of Sri V.Ananda Babu, Assistant Sub-Inspector-848, APSPF, HQrs, Guntur, Age: 52 years, S/o V.Sahadeva Rao, Recorded on 13.02.2019 in the O/o the Assistant Commandant, TSSPF, TS Secretariat, Hyderabad.

I solemnly affirm and state that, I have been working as Assistant Sub- Inspector/ Duty Officer, APSPF, HQrs, Guntur w.e.f. 27.09.2018. As per the available records in the SPF office, HQrs, Guntur, I depose my statement as follows: -

The CT-4740 Sri J.Haron Rao who was deemed to be relieved from TSSPF has taken to duty from 07.05.2018 FN by the kind DIG, APSPF, Guntur. As per the instructions of the kind DIG, APSPF, Guntur he has been detailed for duty at APSPF HQrs, Guntur. Further the CT-4740 Sri J.Haron Rao was detailed for night duty on 11.05.2018 from 2000 Hrs to 0900 Hrs of 12.05.2018. But he did not attend for duty and became absent from his legitimate duties at APSPF, HQrs, Guntur w.e.f. 11.05.2018 AN without any prior permission or any leave. The same was intimated to the kind DIG, APSPF, Guntur, vide Rc.No: 01/APSPF/D.O/AWL/2018, dated: 12.05.2018.

Cross examination by the charged officer:

The charged officer has declined to cross examine the PW.

6) CASE OF THE DEFENDANT:

DEFENCE STATEMENT OF SRI J.HARON RAO, CT-4740, APSPF, SRISAILAM (PREVIOUSLY WORKED AT TSSPF, TS SECRETARIAT, HYDERABAD).

The Charged officer Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) has deposed his statement on his defense while on enquiry in the O/o Assistant Commandant, TSSPF, TS Secretariat, Hyderabad on 13.02.2019 and stated that, I J. Haron Rao CT-4740 presently working at

APSPF Unit Srisailam Dam working in this unit since July-2018, I am well acquainted with the charges framed against me and solemnly I depose my statement in my defence as stated that, During my tenure at TS SPF Unit Secretariat, Hyderabad on 24.01.2018 early morning I received a telephone call from my relatives that nephew (K. Jayprakash) expired in Road Traffic Accident and on my request the kind Asst. Commandant, TS SPF Unit Secretariat has sanctioned me (02) days CL w.e.f. 24.01.2018 FN to 25.01.2018 AN. On sudden demise of my nephew his father (my sister's husband) admitted in the hospital on account of heart attack in Sri Laxmi Hospital, Guntur.

At these circumstances I had to be at my sister's house to consol her and also attend some requirement due to which I could not report for duty in due time. As the situation was very pathetic I was not even in position to inform my condition to my superiors. It is pertinent to state that before this tragedy took place my own brother and his wife committed suicide due to some personal problems. As the time was very unfortunate with me I had to suffer even financially and as the circumstances forced me for overstay. I am not telling any fabricated story and it is not after thought explanation. In order to substantiate my claim I am enclosing the relevant documents for kind perusal. I was in mental agony and no sources of solutions to consol my family. These are the genuine reasons for my overstay and request to consider the same on humanitarian grounds. After period of (101) days OSL, I have reported for duty at APSPF HQrs., Guntur, AP on 07.05.2018 and I was taken to duty on the same day.

While performing duty at APSPF HQrs., Guntur on 11.05.2018 I had to attend duty at night, but due to ill health I could not report for duty not only that as I have already informed my family problems in depression I could not attend for night duty on 11.05.2018. Subsequently on 16.07.2018 a period of (65) days on my approach at APSPF Hqrs., I was taken for duty on 16.07.2018 FN by the DIG, APSPF.

I humbly submit that, it is fact that I became OSL from CL for a period of (101) days w.e.f. 25.01.2018 AN to 07.05.2018 but I have submitted my believable reason as the situation was unavoidable I was in deep depression. My ill health was the reason for becoming absent on 11.05.2018. Whatever I have stated is genuine and I am not putting the statement to avoid any punishment, to this effect I am enclosing the relevant documents. I request the kind Enquiry Officer to consider my explanation and documents and render justice on humanitarian grounds.

Cross examination by the Enquiry Officer.

IQ. I agree that family is important and at the same time duty also important, but while attending your family problems you have become long OSL. Do you think is correct or you want to give any justification for your long OSL.

Ans : I agree that it is not correct, but the situation was unavoidable, I assure that such lapse will not repeat in future.

IQ. Since the APSPF is a disciplined force, and there is procedure to be adopted if facing any problem. What were the reasons that refrained to from approaching superior officers for long leave? Why you have taken you own decision and do you think it is correct

Ans : As I have already stated above, due to the situations I have gone through forced me to overstay, but it will not repeat again and request you to consider my statement on humanitarian grounds and render justice please.

ANALASYS AND ASSEMENTS OF EVIDENCE

In my careful examination of the entire OE file and as per the circumstantial evidence, it is established that, The charged Officer Sri J.Haron Rao, CT-4740 while working at TSSPF, TS Secretariat, Hyderabad was passported to avail (02) days Casual Leave w.e.f. 24.01.2018 FN to 25.01.2018 AN. After expiry of the said leave, he did not turn up for duties and became unauthorized absent w.e.f. 26.01.2018 FN without obtaining any leave or intimation to his superiors. Meanwhile, he was deemed to be relieved on 06.02.2018 from TSSPF to APSPF on permanent basis. Subsequently, after a period of (101) days, he reported at APSPF HQrs, Guntur on 07.05.2018 and requested to take him to duty, Accordingly, he was taken to duty on 07.05.2018 by the DIG, APSPF, Guntur Further, Sri J.Haron Rao, CT-4740 who was supposed to attend for night duties on 11.05.2018 from 20.00 Hrs to 09.00 Hrs of 12.05.2018 at APSPF, HQrs, Guntur, did not attend for duties and became unauthorized absent from 11.05.2018 AN without obtaining any leave or prior permission from his superiors. Subsequently, after a period of (65) days, he reported at APSPF HQrs, Guntur on 16.07.2018 and requested the DIG, APSPF, Guntur to taken him to duty. Accordingly, he was taken him to duty on 16.07.2018 FN by the DIG, APSPF, Guntur. During the course of OE, he was given opportunity to request anything or produce defense witnesses or defense documentary evidence in his defense, but he has simply submitted his brother death certificate and medical documents. But these documents are not connected with his delinquency.

ANALASYS AND ASSEMENTS OF EVIDENCE

I have carefully gone through the connected prosecution and defense documents and statements of the prosecution witnesses. I have analyzed the entire case as follows:-

ARTICLE-I

1. It is fact that the CT-4740 Sri J.Haron Rao was passported to avail (02) days Casual Leave w.e.f. 24.01.2018 FN to 25.01.2018 AN through the AC, TSSPF, TS Secretariat, Hyderabad while he was working at TSSPF, TS Secretariat, Hyderabad.
2. After completion of the said leave, he did not turn up for duties and became unauthorized absent from his legitimate duties w.e.f. 26.01.2018 FN without obtaining any leave or intimation to his superiors.
3. Meanwhile, he was deemed to be relieved on 06.02.2018 from TSSPF to APSPF on permanent basis.
4. After availing (101) days unauthorizedly, he reported at APSPF HQrs, Guntur on 07.05.2018 and requested to take him to duty. Accordingly, he was taken to duty on 07.05.2018 by the DIG, APSPF, Guntur.
5. As per the available documentary evidence, it is clearly shows that, the charged officer availed unauthorizedly 101 days becoming AWL without any intimation. However the charged officer has admitted that he has became AWL due to family problems. Leaving duty for long period on the pretext of his family problems is nothing but unauthorized absence which shows sheer dereliction of duties and carelessness attitude on his part of duty.
6. Being a member of the disciplined uniformed force, CT-4740 Sri J.Haron Rao of SPF committed grave misconduct by being unauthorized absent for duties from 26.01.2018 FN. The CT-4740 has violated the provisions contained in Rule 3 of APCS (Conduct) Rules, 1964.

ARTICLE-II

1. It is fact that, he was taken to duty on 07.05.2018 from unauthorized absent by the DIG, APSPF, Guntur and he has detailed for duty at APSPF, HQrs, Guntur.
2. It is fact that, the charged officer Sri J.Haron Rao, CT-4740 has supposed to attend for night duties on 11.05.2018 from 20.00 Hrs to 09.00 Hrs of 12.05.2018 at APSPF, HQrs, Guntur, but did not attend for duties and became unauthorized absent from 11.05.2018 AN without obtaining any leave or prior permission from his superiors.
3. After availing (65) days unauthorized absent from 11.05.2018 AN to 16.07.2018 FN, he has reported at APSPF HQrs, Guntur on 16.07.2018 and requested to take him to duty. Accordingly, he was taken to duty on 16.07.2018 by the DIG, APSPF, Guntur.
4. As per the available documentary evidence, it is clearly shows that, the charged officer availed unauthorizedly 65 days becoming AWL without any intimation. However the charged officer has admitted that he has become AWL due to ill health. As per the existing rules of SPF, if his case is genuine and suffering from ill health, he has to approach the nearest SPF unit for obtaining sick leave, but he failed to do so and became AWL and availed 65 days at his own accord.
5. Being a member of the disciplined uniformed force, CT-4740 Sri J.Haron Rao of SPF committed grave misconduct by being unauthorized absent for duties from 26.01.2018 FN. The CT-4740 has violated the provisions contained in Rule 3 of APCS (Conduct) Rules, 1964.
6. It is fact that, the charged officer Sri J.Haron Rao, CT-4740 did not submit his written statement to the Article of Charge so far and he violated the orders of the superior officers.
7. During my enquiry and cross examination by the enquiry officer, the charged officer Sri J.Haron Rao, CT-4740 admitted himself that for becoming AWL for a long period on his own accord and such lapse will not repeat in future.

Findings:

On the basis of the documentary and oral evidence adduced in the case before me and in view of the reasons stated above, it is established that, the charged officer Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) has exhibited gross misconduct and negligence towards his legitimate duties. Hence I hold that the Articles of Charges i.e. Article-I and Article-II leveled against the Charged Officer Sri J.Haron Rao, CT-4740 of APSPF, Srisailam (Previously worked at TSSPF Unit, TS Secretariat, Hyderabad) are **“PROVED”** beyond any reasonable doubt.

“Certified that the procedure prescribed under the provision Rule-20 of APCS (CC&A) Rules 1991 has been followed, while conducting the Oral Enquiry”.

P. SRINIVASULU REDDY,
ENQUIRY OFFICER,
INSPECTOR, APSPF, SDSTPS,
AP GENCO, NELATUR, NELLORE.

Date: 19.02.2019.